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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,441	10/01/2003	Dao-Ping Bao	544642000100	1585
20872	7590	06/28/2006	EXAMINER	
MORRISON & FOERSTER LLP 425 MARKET STREET SAN FRANCISCO, CA 94105-2482			LEVINE, ADAM L	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/678,441

**Applicant(s)**

BAO ET AL.

**Examiner**

Adam Levine

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 2, 5 - 7, 10, 13 - 15, 18, 21 - 23 and 26 - 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3 - 4, 8 - 9, 11 - 12, 16 - 17, 19 - 20 and 24 - 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/1/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1 October 2003</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's election with traverse of the Restriction Requirement in the reply filed on April 19, 2006, is acknowledged. Applicant traversed the restriction (election) requirement in the reply filed on April 19, 2006, but offered no arguments in support of traversal. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The requirement is still deemed proper and is therefore made FINAL.

Claims 2, 5 – 7, 10, 13 – 15, 18, 21 – 23 and 26 - 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention, there being no allowable generic or linking claim.

### ***Election/Restrictions***

Applicant's election of species (b) in the reply filed on April 19, 2006, is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The requirement is still deemed proper and is therefore made FINAL.

***Specification***

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1, 3-4, 8-9, 11-12, 16-17, 19-20 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaga (a collection of prior art cited in form PTO-892, items U and V) in view of Ling (US Pub. No. 2002/0111907).**

Yaga teaches a method and system for managing micropayment transactions. Yaga teaches secure payment and content management and teaches various payment options such as credit card payments, stored value accounts, micropayments and aggregated billing. Examiner cites particular pages and paragraphs in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the claims, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the

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references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Yaga further teaches:

- receiving a purchase request from a customer: the purchase request including a purchase item and a purchase price (see at least Item U: pages 1 – 2, Item V: pages 1-3, 7, 9, 15); wherein receiving the purchase request includes receiving the purchase request as an Internet signal (see at least Item U: pages 1 and 2).
- comparing the purchase price to a micropayment threshold: to determine if the purchase request is a micropayment request; if the purchase request is not a micropayment request, completing the purchase request as a credit transaction with a credit account; if the purchase request is a micropayment request, completing the purchase request as a micropayment transaction, wherein completing the purchase request a micropayment transaction includes: maintaining a value account for the customer and completing the purchase request with the value account (see at least Item U: pages 1 – 2, Item V: pages 1 – 3, 7, 9, 15).

Yaga teaches all the above as noted, and teaches a) stored value accounts, b) adding value to stored value accounts, c) various payment options including credit card transactions and aggregated billing, d) storing minimum amounts drawn upon for purchases, and e) payout in batches. Yaga, however, does not specifically disclose a method and system for adding a value increment to the value account from the credit

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account if the value account is insufficient for the purchase price, wherein the value increment is not less than the micropayment threshold. Yang also does not specifically disclose:

- completing the purchase request: when the purchase request is a micropayment request includes confirming a valid credit transaction for the credit account;
- transferring a value from the value account to a cash-access account; using an access card to access the cash-access account for at least one of a cash withdrawal at an ATM (Automatic Teller Machine), a POS (Point of Service) purchase, or a value transfer into the value account.

Ling teaches systems and methods for conducting electronic commerce transactions requiring micropayment. Ling teaches a) using accounts with stored value, b) aggregated settlement of payments, c) pre-determined amount thresholds for settlement, and discloses adding a value increment to the value account from the credit account if the value account is insufficient for the purchase price, wherein the value increment is not less than the micropayment threshold (see at least figs.9-10,24-25,28-29; page 3 para.0021, page 6 paras.0051,0054,0063; page 7 para.0066, page 9 para.0113, page 15 paras.0163,0166, page 22 paras.0234,0238). Ling further teaches:

- completing the purchase request: when the purchase request is a micropayment request includes confirming a valid credit transaction for the credit account (see at least fig.5, page 1 para.0009, page 13 para.0148);

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- transferring a value from the value account to a cash-access account: using an access card to access the cash-access account for at least one of a cash withdrawal at an ATM (Automatic Teller Machine), a POS (Point of Service) purchase, or a value transfer into the value account (see at least figs.5,23; page 2 para.0011-0013, page 25 para.0277).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and system of Yaga to include adding a value increment to the value account from the credit account if the value account is insufficient for the purchase price wherein the value increment is not less than the micropayment threshold, confirming a valid credit transaction for the credit account, transferring a value from the value account to a cash-access account, and using an access card to access the cash-access account for a cash withdrawal at an ATM, POS purchase, or value transfer into the value account, as taught by Ling, in order to make the system and method more accessible and more convenient to use, thereby further realizing the benefits of aggregating payments and increasing commerce using the system and method.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark A. Fadok can be reached on 571.272.6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Levine  
Patent Examiner  
June 23, 2006

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

**Robert M. Pond**  
**Primary Examiner**